

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/858,269	TENORIO, MANOEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan F. Rayyan	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/04.
2. ☒ The allowed claim(s) is/are 2-6,8,10-11,13-17,19-22,24-28,30-31, now renumbered as 1-26.
3. ☒ The drawings filed on 15 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>11/4/04, 11/18/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**Notice of Allowance**

1. Information Disclosure Statement filed on November 4, 2004, references A and B of non-patent documents have been considered. All other documents were considered in an IDS filed on July 17, 2003.

2. Information Disclosure Statement filed on November 18, 2004 has been considered.

***Allowable Subject Matter***

3. Claims 2-6,8,10-11,13-17,19-22,24-28,30-31 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a method comprising a system for sorting search results according to a buyer profile during the matching phase of an electronic commerce transaction comprising a database containing a buyer profile associated with a buyer, the buyer profile comprising a record of the number of times each of a plurality of sort criteria has appeared in at least some previous events involving the buyer and a server operable to receive a plurality of search results communicated from one or more seller databases in response to an under-constrained search query in which exact attribute values are not specified for one or more attributes, access the buyer profile to determine an order of display based on the number of times one or more sort criteria in the buyer profile applicable to the search results have appeared in the previous events involving the buyer, sort the search results according to the determined order of display, communicate the sorted search results to the buyer, the server is further operable to

notify the buyer before deleting the sort criterion and not delete the sort criterion if the buyer indicates the sort criterion should not be deleted.

The closest prior art of record, Ford et al (US 2003/0195877) teaches a database containing a buyer profile associated with a buyer, the buyer profile comprising a record of the number of times ... sort criteria has appeared in at least some previous events involving the buyer, and a server operable to: receive a plurality of search results communicated from one or more seller databases in response to an under-constrained search query in which exact attribute values are not specified for one or more attributes, access the buyer profile to determine an order of display based on the number of times one or more sort criteria in the buyer profile applicable to the search results have appeared in the previous events involving the buyer, sort the search results according to the determined order of display, communicate the sorted search results to the buyer.

Spiegel et al (US 6,466,918) teaches plurality of search criteria.

However Ford and Spiegel fails to anticipate or render obvious the recited feature of notify the buyer before deleting the sort criterion and not delete the sort criterion if the buyer indicates the sort criterion should not be deleted as in independent claims 10, 32; notifying the buyer that the record for the sort criteria may be deleted, deleting the sort criterion if the buyer indicates the sort criterion be deleted, and not delete the sort criterion if the buyer indicates the sort criterion should not be deleted as in independent claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-4117. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquiries and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Susan Rayyan

  
3/17/05

  
Primary Examiner